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April 29, 2014

Honorable Robert H. Cleland
United States District Judge for the
Eastern District of Michigan
231 Lafayette Blvd, Room 707
Detroit, Michigan 48226

Re: *Richard Convertino v United States Department of Justice*
Case No. 2:07-cv-13842-RHC-RSW

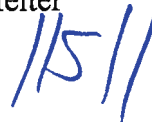
Dear Judge Cleland:

Pursuant to the Court's Order of April 17, 2014, Non Parties/Interested Parties The Detroit Free Press and David Ashenfelter jointly submit their proposed Order Closing Ancillary Proceeding they being unable to reach agreement with counsel for Plaintiff on the language and form of a proposed joint stipulated Order. Additionally, counsel (Mr. Fink) was unable to speak with the Department of Justice on its position, if any, on this matter.

Sincerely,



Richard E. Zuckerman
Counsel for Non Party/Interested Party,
David Ashenfelter



Leslie P. Machado
Counsel for Non Party/Interested Party,
The Detroit Free Press

cc: Counsel of Record via ECF

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD G. CONVERTINO,

Plaintiff

v.

Civil Action No.:
2:07-cv-13842-RHC-RSW

UNITED STATES DEPARTMENT OF JUSTICE

Defendant.

ORDER CLOSING ANCILLARY PROCEEDING

On January 15, 2013, the Court granted Plaintiff's Second Renewed Motion to Compel non-party *Detroit Free Press* to produce documents and designate a corporate representative for deposition. ECF Dkt. 114. On July 31, 2013, Mr. Convertino advised the Court that discovery against the *Detroit Free Press* had been conducted. ECF Dkt. 117.

On August 15, 2013, Mr. Convertino filed a Motion for Reconsideration of Order Sustaining David Ashenfelter's Fifth Amendment Objection (ECF Dkt. 119), which the Court denied on November 25, 2013. ECF Dkt. 125.

There has been no subsequent activity in this ancillary proceeding to enforce subpoenas against Mr. Ashenfelter or the *Detroit Free Press*. It appears therefore that further court involvement in this matter is unnecessary.¹

¹ As the Sixth Circuit and this Court have previously noted, "any federal court may take judicial notice of the proceedings in other courts of record." *Glassbrook v. Rose Acceptance, Inc.*, Civil Action No. 13-10152, 2014 WL 466154, *2 (E.D. Mich. Feb. 5, 2014) (Cleland, J.) (quoting *Plassman v. City of Wauseon*, 85 F.3d 629 (6th Cir. 1996)). Pursuant to this authority, the Court takes judicial notice that, on December 17, 2013, Mr. Convertino filed a Status Report in the action pending in the United States District Court for the District of Columbia that gave rise to this ancillary proceeding: *Convertino v. United States Department of Justice, et al.*, Case No. 1:04-cv-236-RCL, ECF Dkt. 220. In that Status Report, Mr. Convertino attached a copy of this Court's

Accordingly, on this ____ day of _____, 2014, the Clerk is **ORDERED** to administratively close this case.

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

November 25, 2013 Order denying Mr. Convertino's Reconsideration of Order Sustaining David Ashenfelter's Fifth Amendment Objection and explained that, "based on [this] Court's denial of [his motion for reconsideration], and the conclusion of the deposition of the *Detroit Free Press* representative, *the proceedings in the Eastern District are essentially completed*, but final judgment has not been entered by the district court in that action". *Id.* at 1 (emphasis added).